



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

10/050,348

Application Serial No.

Confirmation No. 7554

Filing Date January 15, 2002

Inventor..... G. S. Sandhu

Assignee..... Micron Technology, Inc.

Group Art Unit..... 2813

Examiner L. M. Schillinger

Attorney's Docket No. MI22-1898

Customer No. 021567

Title: Transistor Structures

3/23/04
3/23/04
Am

PETITION TO THE COMMISSIONER UNDER THE AUTHORITY OF 37 C.F.R. §1.181

RECEIVED

To: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AUG 19 2003

OFFICE OF THE SPECIAL
PROGRAMS EXAMINER

From: David G. Latwesen, Ph.D. (Tel. 509-624-4276; Fax 509-838-3424)
Wells St. John P.S.
601 W. First Avenue, Suite 1300
Spokane, WA 99201-3828

TECHNOLOGY CENTER 2800

RECEIVED
AUG 22 2003

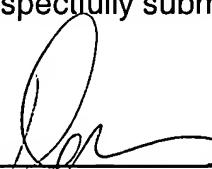
Applicant hereby petitions the Commissioner to withdraw a holding of abandonment pertaining to U.S. Patent Application Serial No. 10/050,348. Submitted herewith is a "Notice of Abandonment" mailed by the Patent Office on August 4, 2003 pertaining U.S. Patent Application Serial No. 10/050,348. Also submitted herewith is a transmittal for a Request for Continued Examination (RCE) filed by Applicant on May 7, 2003; a Preliminary Amendment that accompanied the Transmittal; a copy of a canceled check that accompanied the RCE filing; a copy of a date-stamped return receipt postcard listing our Docket Number of MI22-1898 and evidencing that the RCE was filed on May 7, 2003; a copy of an "Express Mail" mailing label evidencing that the RCE was filed on May 7, 2003;

and a copy of a "Notice of Allowance and Issue Fee Due" mailed by the Patent Office on February 11, 2003.

The Patent Office has erroneously held that Patent Application Serial No. 10/050,348 went abandoned due to Applicant's failure to respond to the accompanying "Notice of Allowance and Issue Fee Due" with payment of an issue fee by May 11, 2003, and has sent the accompanying "Notice of Abandonment". The error in the Patent Office's holding of abandonment is evidenced by the accompanying RCE Preliminary amendment, transmittal letter, return receipt postcard, Express Mail mailing label, and canceled check; all of which evidence that Applicant's RCE was properly filed on May 7, 2003. Such RCE filing rendered moot the "Notice of Allowance and Issue Fee Due," and negated any requirement that Applicant pay the issue fee by May 11, 2003. Applicant respectfully requests that the Patent Office correct its error by withdrawing the holding of abandonment pertaining to U.S. Application Serial No. 10/050,348.

Applicant believes that no fees are due to have this Petition considered and granted. In the event that the Examiner disagrees, Applicant requests a telephone call to the undersigned (509-624-4276).

Respectfully submitted,

By: 

David G. Latwesen, Ph.D.
Reg. No. 38,533

Dated: August 12, 2003

Encl. *Copy of Notice of Abandonment*
Copy of RCE Transmittal Form
Copy of RCE Preliminary amendment
Copy of Notice of Allowance and Issue Fee Due
Copy of canceled check
Copy of return receipt postcard;
Copy of Express Mail mailing label

COPY

Appl. No. 10/050,348

EV085432070

EV318283592

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. 10/050,348
Filing Date January 15, 2002
Inventor..... Gurtej S. Sandhu et al.
Assignee..... Micron Technology, Inc.
Group Art Unit..... 2813
Examiner Schillinger, Laura M.
Attorney's Docket No. MI22-1898
Title: Transistor Structures



PRELIMINARY AMENDMENT TO ACCOMPANY RCE FILING

To: MAIL STOP RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

From: David G. Latwesen (Tel. 509-624-4276; Fax 509-838-3424)
Wells St. John P.S.
601 W. First Avenue, Suite 1300
Spokane, WA 99201-3828

RECEIVED
AUG 22 2003
TECHNOLOGY CENTER 2800

AMENDMENTS

Amended Claims

None.

REMARKS

Claims 41-43 remain pending in the application.

This Request for Continued Examination (RCE) application is submitted in an abundance of caution simply to place references before the Examiner for consideration. The references are referred to in the Information Disclosure Statement presented herewith.

Also enclosed is a copy of two Supplemental Information Disclosure Statements and PTO-1449s which were filed on June 27, 2002 and December 5, 2002. Applicant has never received an initialed copy of either of these PTO-1449s, and respectfully requests the Examiner to initial these references and return a copy of these PTO-1449s with the Examiner's next Action.

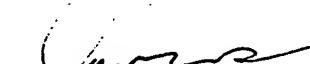
Examination of claims 41-43 is requested.

Respectfully submitted,

Dated:

5/7/03

By:



David G. Latwesen, Ph.D.
Reg. No. 38,533

Enclosure: Copy of 6/27/02 and 12/5/02 IDS' for initialing



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

2
6
5
3
8
2
8
1
8
E
A

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/050,348 | 01/15/2002 | Gurtej S. Sandhu | MI22-1898 | 7554 |

21567 7590 08/04/2003
WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201



COPY

[REDACTED]
EXAMINER
SCHILLINGER, LAURA M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2813 | |

DATE MAILED: 08/04/2003

P #15

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
AUG 22 2003
TECHNOLOGY CENTER 2800



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| | | | |
|--------------------|-------------|-----------------------|---------------------|
| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
| 10/050,343 | | | |

EXAMINER

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

P H 15

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- Applicant's failure to timely file a proper response to the Office letter mailed on _____.
- A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of ____ month(s)) which expired on _____.
- A proposed response was received on _____, but it does not constitute a proper response to the final rejection.
- (A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)
- No response has been received.
- Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.
- The submitted issue fee of \$ _____ is insufficient. The issue fee required by 37 CFR 1.18 is \$ _____.
- The issue fee has not been received.
- Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.
- The proposed new formal drawings filed _____ are not acceptable.
- No proposed new formal drawings have been received.
- The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.
- The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- The reason(s) below:

ABANDONMENT
CONTACT PERSON IS:
TOM HAWKINS
305-8380

RECEIVED
AUG 22 2003
TECHNOLOGY CENTER 2800

Respond to the Notice of Abandonment by one of the following:

Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I) and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181, to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f).

In order for a petition to be granted, the evidence must be sufficient according to one of the following standards:

- 37 CFR § 1.8(b) Certificate of Mailing
- 37 CFR § 1.10 "Express Mail" mailing
- MPEP 503 Postcard Receipt as Prima Facie Evidence

Petition To Withdraw Holding Of Abandonment should be addressed as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Mail Stop: Issue Fee, Alexandria, VA
22313-1450

By facsimile: 703-305-8755 or 703-305-4372

Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (See MPEP 711.03(c) II). No fee required

Where an applicant contends that the original Notice of Allowance and Issue Fee Due was never received. If adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
(Mark attention of a particular office or individual)

By facsimile: Technology Center numbers posted at <http://www.uspto.gov/september1/faxnotice.htm>

Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g. the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) unavoidable or (b) unintentionally (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

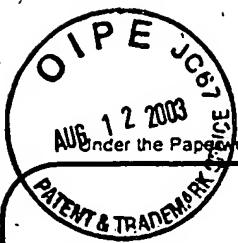
By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By hand: Crystal Plaza 4, Rm. 3C23, 2201 Clark Place, Arlington, VA

By facsimile: 703-308-6916

Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a) and Unintentionally Under 37 CFR 1.137(b), forms available at USPTO website – <http://www.uspto.gov>

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment.



COPY

EV085432070

PTO/SB/30 (5/2000)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

| | |
|------------------------|------------------|
| Application Number | 10/050,348 |
| Filing Date | January 15, 2002 |
| First Named Inventor | Sandhu |
| Group Art Unit | 2813 |
| Examiner Name | L. Schillinger |
| Attorney Docket Number | MI22-1898 |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. Previously submitted
 - i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. Other _____
- b. Enclosed
 - i. Amendment/Reply (Preliminary, to accompany RCE)
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS) w/PTO-1449 and copy of cited references.
 - iv. Other COPY of 6/27/02 and 12/5/02 IDS' for initialing of cites by Examiner.
PTO Return Receipt Postcard.

2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. The Director is hereby authorized to charge the following fees, or credit any overpayments to
Deposit Account No. 23-0925
 - i. RCE fee required under 37 C.F.R. § 1.17(e) (deficiencies only)
 - ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) (deficiencies only)
 - iii. Other _____
- b. Check in the amount of \$ 750 enclosed (Chk. #138794)
- c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|--------------------------|-----------------------------------|---------|
| Name (Print/Type) | David G. Latwesen, Ph.D. | Registration No. (Attorney/Agent) | 38,533 |
| Signature | <u>Latwesen</u> | Date | 5/17/03 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

| | |
|-------------------|-------------|
| Name (Print/Type) | EV085432070 |
| Signature | Date |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231.

RECEIVED
AUG 22 2003
TECHNOLOGY CENTER 2800

AUG-11-03 MON 10:44
U.S. PATENT AND TRADEMARK OFFICE
AUG 12 2003
JC67

WA TRUST EXC-ADMIN

FAX NO. 5093533912

P. 02

Page 1

D O C U M E N T P R I N T E D O N C H E M I C A L R E A C T I V E P A P E R W I T H M I C R O P R I N T E D B O R D E R S . S E E R E V E R S E S I D E F O R C O M P L E T E S E C U R I T Y F E A T U R E S .

| | | |
|---|--|-------------|
| Wells St. John P.S. | Washington Trust Bank | 138794 |
| 801 W. FIRST AVENUE, SUITE 1300 SPokane, WA U.S.A. 99201-3828 FAX (509) 838-3424 PHONE (509) 624-4276 | 1400-700-0111 28-12 | EV085432070 |
| DATE CHECK AMOUNT | | |
| 05/06/03 138794 ****\$750.00 | | |
| *** SEVEN HUNDRED FIFTY & 00/100 DOLLARS | | |
| PAY TO THE ORDER OF Commissioner of Patents & Trademarks | WELLS ST. JOHN P.S. GENERAL ACCOUNT | |
| D [Signature] | | |
| AUTHORIZED SIGNATURE | | |
| THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH ON PRESS HERE. READING DISAPPEARS WITH HEAT. | | |
| 138794 11251000891 1007661374 | | 0000075000 |

Tracer: 11024764 - Amt: \$750.00 - 05/15/2003

U.S. PATENT AND TRADEMARK OFFICE
11024764 20030515 R=G6 E=6
03249934.18
05142003
0520-0027-8 FRB BALTIMORE
ENT-3824 TRC=3930 PR=10
PA 152163375
11024764 20030515 R=G6 E=6
0560011134
FIRST VIRGINIA BANK
6512000 FALLS CHURCH, VA
11024764 20030515 R=G6 E=6

Tracer: 11024764 - Amt: \$750.00 - 05/15/2003



COPY

EV085432070

MI22-1898 (dg)
Micron Technology, Inc.

5/7/03

The stamp of the U.S. Patent and Trademark Office acknowledges receipt of the following papers relating to the RCE application of Gurtej S. Sandhu et al., Serial No. 10/052,348, filed herewith, entitled "Transistor Structures".

1. PTO Return Postcard Receipt.
2. Check #138794 for \$750.
3. RCE Transmittal Form (PTO/SB/30).
4. Fee Transmittal (PTO/SB/17) in duplicate.
5. Preliminary Amendment to Accompany RCE Filing.
6. ~~COPY~~ of each of 6/27/02 and 12/5/02 Supplemental IDS' for initialing by Examiner.
7. Information Disclosure Statement w/PTO-1449 and copy of cited references.





COPY

Customer Copy
Label 11-F October 200



EV 085432070 US

ORIGIN (POSTAL USE ONLY)

| | | | |
|--|--|--|---------------|
| PO ZIP Code 99201 | Day of Delivery <input type="checkbox"/> Next <input checked="" type="checkbox"/> Second | Flat Rate Envelope <input type="checkbox"/> | |
| Date In 5 7 3 | Postage S 37.30 | | |
| Mo. Day Year Mo. Day Year | 12 Noon <input type="checkbox"/> 3 PM <input type="checkbox"/> | | |
| Time In 415 | Military <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day | Return Receipt Fee | |
| Weight 4 lbs 9.8 ozs. | Int'l Alpha Country Code | COD Fee | Insurance Fee |
| No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday | Acceptance Clerk Initials 8 | Total Postage & Fees S 37.30 | |

CUSTOMER USE ONLY

METHOD OF PAYMENT: Express Mail Corporate Acct. No. **X992332**

DELIVERY (POSTAL USE ONLY)

| | | |
|------------------|---|--------------------|
| Delivery Attempt | Time | Employee Signature |
| Mo. Day | <input type="checkbox"/> AM <input type="checkbox"/> PM | |
| Delivery Attempt | Time | Employee Signature |
| Mo. Day | <input type="checkbox"/> AM <input type="checkbox"/> PM | |
| Delivery Date | Time | Employee Signature |
| Mo. Day | <input type="checkbox"/> AM <input type="checkbox"/> PM | |

WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY Weekend Holiday

Customer Signature _____

Federal Agency Acct. No. or
Postal Service Acct. No.

FROM: (PLEASE PRINT)

PHONE **(509) 624-4276**

**WELLS ST. JOHN P.S.
601 W 1ST AVE STE 1300
SPOKANE WA 99201-3828**

MI22-1898/dg1-jo

TO: (PLEASE PRINT)

PHONE **(703) 235-1450**

**MAIL STOP RCE
Commissioner for Patents
P O Box 1450
Alexandria VA 22313-1450**

PRESS HARD.
You are making 3 copies.

FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com





COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION SERIAL NO 10/050,348
FILING DATE January 15, 2002
INVENTORSHIP Gurtej S. Sandhu et al.
ASSIGNEE Micron Technology, Inc.
GROUP ART UNIT 2813
EXAMINER Schillinger, L.
ATTORNEY'S DOCKET NO MI22-1898
TITLE: Transistor Structures

EX POST DECLARATION OF EXPRESS MAILING

I hereby declare that I have deposited the below-listed papers with the United States Postal Service "Express Mail Post Office to Addressee" service, addressed and posted as indicated below, in compliance with 37 CFR 1.10. The Express Mail label No. has been placed on one or more of the papers listed.

Express Mail Number: **EV085432070**
Date of Deposit: May 7, 2003 4:15 p.m.
Time of Deposit:
Deposited By: Delivery to Postal Employee
 Place in Drop Box

Addressee: MAIL STOP RCE
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EV085432070US

Place of Deposit:

U.S. Post Office (Paulsen Bldg. Br.)
421 West Riverside, Room 201
Spokane, Washington 99201
Last Scheduled Drop Box Pickup: 4:40 p.m.

U.S. Post Office (DIST. CTR.)
2928 S. Spotted Road
Spokane, Washington 99202
Last Scheduled Drop Box Pickup: 9:00 p.m.

U.S. Post Office (Riverside Station)
904 West Riverside
Spokane, Washington 99201
Last Scheduled Drop Box Pickup: 5:00 p.m.

U.S. Post Office _____ Branch

Last Scheduled Drop Box Pickup: ___ a.m./p.m.

Listing Of Items Enclosed in Mailing:

1. PTO Return Postcard Receipt.
2. Check #138794 for \$750.
3. RCE Transmittal Form (PTO/SB/30).
4. Fee Transmittal (PTO/SB/17) in duplicate.
5. Preliminary Amendment to Accompany RCE Filing.
6. COPY of each of 6/27/02 and 12/5/02 Supplemental IDS' for initialing by Examiner.
7. Information Disclosure Statement w/PTO-1449 and copy of cited references.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statement may jeopardize the validity of the application or any patent issued therefrom.

Dated at Spokane, Washington this 7th day of May, 2003.

Trinity Coxon

COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/050,348 | 01/15/2002 | Gurje S. Sandhu | MI22-1898 | 7554 |

021567 7590 02/11/2003

7 WELLS ST. JOHN ROBERTS GREGORY & MATKIN P.S.
 501 W. FIRST AVENUE
 SUITE 1300
 SPOKANE, WA 99201-3828



EXAMINER

SCHILLINGER, LAURA M

ART UNIT

PAPER NUMBER

2873

DATE MAILED: 02/11/2003

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The patent term adjustment to date is 0 days. If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the term adjustment will be 0 days.

If a continued prosecution application (CPA) was filed in the above-identified application, the filing date that determines patent term adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system. (<http://pair.uspto.gov>)

Any questions regarding the patent term extension or adjustment determination should be directed to the Office of Patent Legal Administration at (703)305-1383.

RECEIVED
 AUG 22 2003
 TECHNOLOGY CENTER 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

O P E
JC&7
AUG 12 2003
PATENT & TRADEMARK OFFICE
1990

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

AUG 22 2003
TECHNOLOGY CENTER 2800

RECEIVED

NOTICE OF ALLOWANCE AND FEE(S) DUE

021567

02/11/2003

WELLS ST. JOHN ROBERTS GREGORY & MATKIN P.S.
601 W. FIRST AVENUE
SUITE 1300
SPOKANE, WA 99201-3828

EXAMINER

SCHILLINGER, LAURA M.

ART UNIT

CLASS-SUBCLASS

2813

257-411000

DATE MAILED: 02/11/2003

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/050,348 | 01/15/2002 | Gurtej S. Sandhu | MI22-1898 | 7554 |

TITLE OF INVENTION: TRANSISTOR STRUCTURES

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE | PUBLICATION FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|-----------|-----------------|------------------|------------|
| nonprovisional | NO | \$1300 | \$300 | \$1600 | 05/12/2003 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
 - B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.
- Applicant claims SMALL ENTITY status.
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

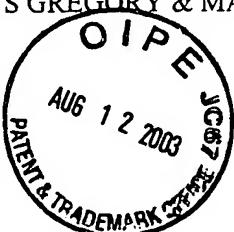
Complete and send this form, together with applicable fee(s), to: Mail Box ISSUE FEE
 Commissioner for Patents
 Washington, D.C. 20231
 Fax (703)746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

021567 7590 02/11/2003

WELLS ST. JOHN ROBERTS GREGORY & MATKIN P.S.
 601 W. FIRST AVENUE
 SUITE 1300
 SPOKANE, WA 99201-3828



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
 I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/050,348 | 01/15/2002 | Gurtej S. Sandhu | MI22-1898 | 7554 |

TITLE OF INVENTION: TRANSISTOR STRUCTURES

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE | PUBLICATION FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|-----------|-----------------|------------------|------------|
| nonprovisional | NO | \$1300 | \$300 | \$1600 | 05/12/2003 |

| EXAMINER | ART UNIT | CLASS-SUBCLASS |
|----------------------|----------|----------------|
| SCHILLINGER, LAURA M | 2813 | 257-411000 |

| | |
|---|---|
| 1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). | 2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. |
| <input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached. | 1 _____ |

- "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) individual corporation or other private group entity government

4a. The following fee(s) are enclosed:

4b. Payment of Fee(s):

- Issue Fee
 Publication Fee
 Advance Order - # of Copies _____

- A check in the amount of the fee(s) is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Commissioner is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

| | |
|---|--------|
| (Authorized Signature) | (Date) |
| <p>NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.</p> <p>This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.</p> <p>Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.</p> | |
| TRANSMIT THIS FORM WITH FEE(S) | |

RECEIVED
AUG 22 2003
TECHNOLOGY CENTER 2800



| | | |
|------------------------|---------------------------------|------------------|
| Notice of Allowability | Application No. | Applicant(s) |
| | 10/050,348 | SANDHU ET AL. |
| | Examiner Laura M Schillinger | Art Unit 2813 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 11/4/02.
 2. The allowed claim(s) is/are 41-43.
 3. The drawings filed on _____ are accepted by the Examiner.
 4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) The translation of the foreign language provisional application has been received.
 6. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

7. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. CORRECTED DRAWINGS must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No. _____.
 - (b) including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- Notice of References Cited (PTO-892)
- Notice of Draftsperson's Patent Drawing Review (PTO-948)
- Information Disclosure Statements (PTO-1449), Paper No. 11.
- Examiner's Comment Regarding Requirement for Deposit of Biological Material
- Notice of Informal Patent Application (PTO-152)
- Interview Summary (PTO-413), Paper No. _____;
- Examiner's Amendment/Comment
- Examiner's Statement of Reasons for Allowance
- Other

Carl Whitehead
CARL WHITEHEAD, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

DETAILED ACTION

This office action is in response to Amendment B, dated 11/4/02, in Paper No.10.

Allowable Subject Matter

Claims 41-43 are allowed.

The following is an examiner's statement of reasons for allowance:

In reference to claim 41, Hattangady et al teaches a structure comprising:

A gate oxide layer over a semiconductive substrate, the gate oxide layer comprising silicon dioxide (Col.3, lines: 20-25);

The gate oxide layer having nitrogen enriched region which is only in an upper half of the gate oxide layer (Col.2, lines: 10-25);

At least one conductive layer over the gate oxide layer (Col.3, lines: 30-35); and

Source/drain regions within the semiconductor substrate (Col.1, lines: 25-35);

The source/drain regions being gatedly connected to one another by the conductive layer (Col.1, lines: 25-35).

However, Hattangady fails to teach applicant's amended claim language wherein the gate oxide layer has a thickness of 5A.. As Applicant argued on page 3 of Paper No.10, dated 11/4/02, Hattangady teaches that the thickness of the gate oxide is 10-30 A. Applicant argues that a thickness of 5 A thickness is not anticipated nor rendered obvious by Hattangady. Indeed, Hattangady makes no mention of altering the thickness range to less than 10 A. Further, Hattangady teaches that the nitrogen enriched region would have a thickness ranging from 5 to 10 A (Col.3, lines: 28-30). In contrast, Applicant's enriched region as claimed (being ½ of the

gate oxide thickness 5A) would have a thickness of 2.5 A. Since neither thickness ranges are taught nor anticipated by Hattangady, Applicant's amended claim language is considered allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M Schillinger whose telephone number is (703) 308-6425. The examiner can normally be reached on M-T, R-F 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl W Whitehead, Jr. can be reached on (703) 308-4940. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



CARL W. WHITEHEAD, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Application/Control Number: 10/050,348

Page 4

Art Unit: 2813

LMS

January 26, 2003



| | | | | |
|----------------------------|--|-------------------------|--|---------------------------------|
| Notice of References Cited | | Application/Control No. | Applicant(s)/Patent Under Reexamination SANDHU ET AL. | |
| | | 10/050,348 | Examiner | Art Unit Laura M Schillinger |
| | | | | 2813 |
| | | | | Page 1 of 1 |

U.S. PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Name | Classification |
|---|---|--|-----------------|------------------|----------------|
| * | A | US-6362085 | 03-2002 | Yu et al | 438/585 |
| * | B | US-5164331 | 11-1992 | Lin et al | 437/192 |
| * | C | US-5318924 | 06-1994 | Lin et al | 437/192 |
| * | D | US-5449631 | 09-1995 | Giewont et al | 437/41 |
| * | E | US-5518958 | 05-1996 | Giewont et al | 437/186 |
| * | F | US-6201303 | 03-2001 | Ngo et al | 257/768 |
| * | G | US-6399445 | 06-2002 | Hattangady et al | 438/261 |
| | H | US- | | | |
| | I | US- | | | |
| | J | US- | | | |
| | K | US- | | | |
| | L | US- | | | |
| | M | US- | | | |

FOREIGN PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Country | Name | Classification |
|---|---|--|-----------------|---------|------|----------------|
| | N | | | | | |
| | O | | | | | |
| | P | | | | | |
| | Q | | | | | |
| | R | | | | | |
| | S | | | | | |
| | T | | | | | |

NON-PATENT DOCUMENTS

| | | |
|---|---|---|
| * | | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) |
| | U | |
| | V | |
| | W | |
| | X | |

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.